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09/873,357	06/05/2001	Francis Pinault	Q64734	5168

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EXAMINER

POLTORAK, PIOTR

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/873,357

Applicant(s)

PINAULT ET AL.

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/05/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-10 have been examined.

***Priority***

2. Foreign priority has been claimed in this application.
3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 06/08/2000.

***Drawings***

4. The drawings are objected to because objects shown in figures are not clearly and fully addressed in the specification.
5. It is not clear whether the object 3 in Fig. 1 is an antenna (pg. 6 line 5: the specification) or the Internet (line 9).
6. Fig. 2 does not show "the computer network 3" addressed in the specification (pg. 7 line 25) in reference to the figure.
7. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

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remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Oath/Declaration***

8. The title of the invention is missing in the declaration and as result it is not clear to which application the declaration refers.

#### ***Specification***

9. In the Declaration the applicant claims foreign priority based on an application filed in France on 06/08/2000. However, on the first page of the specification the applicant suggests that the application was filed on 06/06/2000. Clarification is required.
10. The "access for and/or vis-à-vis users" and "that is shared or specific to" statements in the application's abstract are not well understood and need to be clarified.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
12. The specification provides no guidance in teaching how signature analysis are conducted to determine if said data incorporates a signature characteristic of restricted signaling rights.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. The claims as presented are confusing and are difficult to understand. In particular the examiner cannot determine metes and bounds of the following phrases:
- a. Claim 1: "for and/or vis—vis users", "that is shared or specific to an organization, such as a company", "request formulated from said terminal", "which method stores temporarily for downstream filtering the stream of multimedia data" and "as a function of particular criteria".

For further consideration of claim 1 the examiner disregards: "for and/or vis-vis users", "which" (*in "which that is shared or specific to an organization, such as a company"*) and "that is shared or specific to an organization, such as a company". The word "formulated" the examiners considers as "initiated". Also, the examiner advises the applicant to rephrase the word "function" which has a specific meaning in the art.

Also, it is not clear whether "particular criteria" as used in claim 1 refers to the rules which determine whether the data delivery to a requesting terminal is allowed or not; or perhaps it refers to some other "particular" criteria.

- b. Claim 2: "is transmitted to said user terminal or not" is not well understood.
- c. Claim 3: "corresponding to that which led to the data that is retained not being transmitted".
- d. Claim 4: "what has been received with particular standards".
- e. Claim 5: "to enable a further check in the event of non-conformance, either in respect of data received on detection of non-conformance, in which case the data stream that transmits it from said computer network is interrupted, or in respect of all of the data received, without said data stream being interrupted". (It is not clear whether the limitation intends to refer to "all of the data received" or some subset of the data.) Also, "the data stream that transmits it" is not well understood.
- f. Claim 6: "data for which and/or for the source" and "if said data and/or said source". Also, the sentence is convoluted and difficult to understand.

For further consideration the examiner considers the intended meaning of claim 6 as that in case of detection of non-conformance in a received data stream a subsequent data stream is also examined for non-conformance.

"The method of claim 4 wherein data or the source for which non-conformance has been detected in a received data stream is retained to enable interruption of a data stream subsequently received."

- g. Claim 7: "The method claimed in claim 1 including counting, for control purposes, a particular content, consisting of a characteristic combination of data".

The sentence is ambiguous. It is not clear whether the new theme follows after "purposes," and it is not very clear what "a characteristic combination of data" refers to. In light of the specification the examiner treats claim 7 as follows:

"The method claimed in claim 1, which includes counting the number of times that data of a particular content is received".

- h. Claim 8: "The method claimed in claim 2 including signature analysis" and "restricted signaling rights"
- i. Claim 9: "The method claimed in claim 2 including and identifier search analysis"
- j. Claim 10: "access control for and/or vis—vis users" and "that is shared or specific to an organization, such as a company", "includes hardware means and/or software", "network enabling exchange", "which

arrangement includes hardware means and/or software products  
organized" and "a function of particular criteria".

In addition claims 1, 3, 5, 6, 7 and 10 due to their sentence structure present a challenge to fully understanding applicant's intention (the claims are vague) and will be treated as best understood.

14. In claims 1, 3-7 and 10 the following lack antecedent basis:

- a. Claim 1: "the stream"
- b. Claim 3: "identical data"
- c. Claim 4: "said temporary storage means" and "conformance"
- d. Claim 5: "temporarily delayed data" and "the conformance determination phase"
- e. Claim 6: "the source"
- f. Claim 7: "said temporarily stored data"
- g. Claim 10: "exchange"

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by

*Baker (U.S. Patent No. 5961645).*



16. *Baker* teaches providing access control to users who access a computer network enabling exchange of information by means of terminals (Fig. 1 objects 107-109). Said terminals are connected to access said computer network via an access server (*proxy server*) which stores temporarily for downstream filtering the stream of data (there is no limitation on data received, thus the reading reads on multimedia data as well) from said computer network to a user terminal in response to an access request formulated from said terminal. Said downstream filtering is applied by an arrangement for authorizing or blocking transmission of said data stream to said terminal as a function of particular criteria applied to the received data stream at said private access node (col. 4 lines 1-9 and lines 29-43).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**17. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baker* (U.S. Patent No. 5961645) in view of *McClain et al.* (U.S. Patent No. 6772214).**

18. *Baker* teaches an access control method as discussed above.

19. As per claim 3 *Baker* does not teach retaining non-transmitted data so that it can be compared with data of a subsequent data stream to accelerate decision-making in

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the case of identical data in different data streams, without having to carry out a further analysis.

20. *McClain et al.* teach retaining data so that it can be compared with data of a subsequent data stream (*col. 6 lines 22-45*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retain non-transmitted data so that it can be compared with data of a subsequent data stream to accelerate decision-making in the case of identical data in different data streams as taught by *McClain et al.* (*McClain et al. col. 3 lines 19-24*). One of ordinary skill in the art would have been motivated to perform such a modification in order to increase efficiency and connection speed between terminals and computer network resources.

21. As per claim 9 *Baker* does not teach including an identifier search analysis applied to received data addressed to a user terminal to authorize transmission of said data to said terminal if one or more particular identifiers are found in the received data addressed to said terminal.

22. *McClain et al.* teach identifiers (*ratings, col. 7 lines 1-6 and 54-67*) used in received data transmission authorization (*col. 2 lines 55-60*).

23. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include an identifier search analysis applied to received data addressed to a user terminal to authorize transmission of said data to said terminal if one or more particular identifiers are found in the received data addressed to said terminal as taught by *McClain et al.* (*McClain et al. col. 3 lines 19-24*). One of ordinary skill in

the art would have been motivated to perform such a modification in order to increase analysis speed and in result increase the computer network connection performance.

**24. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baker* (U.S. Patent No. 5961645) in view of *Logan et al.* (U.S. Patent No. 5721827).**

25. *Baker* teaches an access control method as discussed above.

*Baker* does not teach counting for control purposes, a particular content, consisting of a characteristic combination of data, if said content is found in said temporarily stored data, after it has been received from said computer network in at least one data stream addressed to a particular terminal.

26. *Logan et al.* implicitly teach counting for control purposes, a particular content, consisting of a characteristic combination of data (*the result is the total number of times a given program segment has been actually played by all subscribers, col. 19 line 65-col. 20 line 7*).

27. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to count a particular content as taught by *Logan et al.*, if said content is found in said temporarily stored data, after it has been received from the computer network in at least one data stream addressed to a particular terminal. One of ordinary skill in the art would have been motivated to perform such a modification in order to determine the royalty amount payable to the content provider for the use of the particular content (*col. 20 lines 3-7*).

**28. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over *Baker***

**(U.S. Patent No. 5961645) in view of *Microsoft Press (Computer Dictionary, 3rd edition, 1997, ISBN: 157231446X)*.**

29. *Baker* teaches an access control method as discussed above.

*Baker* does not explicitly teach accessing a computer network via a service provider.

30. *Microsoft Press* teaches accessing a computer network via a service provider in that a service provider supplies Internet connectivity services to individuals, business and other organizations (*service provider, pg. 431 and ISP, pg. 267*).

31. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a service provider to access the Internet as taught by *Microsoft Press*. The Internet provides access to thousands of networks and computers and one of ordinary skill in the art would have been motivated to perform such a modification in order to increase an information exchange base for terminal users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Signature

10/12/02

Date



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